

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4614

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SHAWN CHRISTOPHER FERGUSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. C. Weston Houck, Senior District Judge. (CR-02-1279)

Submitted: July 29, 2004

Decided: August 3, 2004

Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Henry M. Anderson, Jr., ANDERSON LAW FIRM, P.A., Florence, South Carolina, for Appellant. James Strom Thurmond, Jr., United States Attorney, Columbia, South Carolina; Rose Mary Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Shawn Christopher Ferguson pled guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g) (2000), and was sentenced as an armed career criminal to 180 months imprisonment. Ferguson's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising one issue, but stating that he finds no meritorious grounds for appeal. Although informed of his right to file a pro se supplemental brief, Ferguson has not done so.

Counsel questions whether the magistrate judge properly complied with the requirements of Fed. R. Crim. P. 11 when accepting Ferguson's guilty plea. Because Ferguson failed to object or move to withdraw his guilty plea, this court reviews his plea hearing for plain error. United States v. Martinez, 277 F.3d 517, 524-27 (4th Cir.), cert. denied, 537 U.S. 899 (2002). We have reviewed the plea proceedings and conclude that the magistrate judge thoroughly complied with the requirements of Rule 11.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. Therefore, we affirm Ferguson's conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such petition would be frivolous, then

counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED